

AMENDED IN SENATE MAY 25, 2011

AMENDED IN SENATE MAY 11, 2011

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 594

Introduced by Senator Wolk

February 17, 2011

An act to amend Sections 101150 and 101160 of, and to add Sections 101161 and 101162 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 594, as amended, Wolk. Local public health laboratories.

Existing law establishes the State Department of Public Health and sets forth its powers and duties relating to the prevention and control of disease, including, but not limited to, the duty to approve local public health laboratories.

This bill would recast those provisions to specify the duties of the local public health laboratories, to require the department to develop the examination for the certificate of public health microbiologist for public health laboratories in consultation with the California Association of Public Health Laboratory Directors, to require the department to adopt regulations related to training laboratories and continuing education requirements, and to define related terms. *The bill would authorize the department to charge a fee as specified for providing, approving, and monitoring the continuing education program.* ~~By~~

By requiring ~~that~~ local agencies *to* comply with these *certification* requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101150 of the Health and Safety Code
2 is amended to read:
3 101150. (a) For the purpose of protecting the community and
4 the public health, the local health department of a city or county
5 shall have available the services of a public health laboratory for
6 the examination of specimens from suspected cases of infectious
7 and environmental diseases, that may include, but need not be
8 limited to, the examination of specimens from milk, milk products,
9 waters, food products, vectors, and the environment.
10 (b) The public health laboratory shall provide the analyses
11 required to assist in community disease surveillance and to meet
12 the responsibilities and support the programs of the local health
13 department.
14 (c) In matters concerning the public's health, the public health
15 laboratory director shall be responsible to the local health officer
16 whose duty it is to enforce the law in accordance with Section
17 101030, 101375, 101460, or 101470. This subdivision does not
18 preclude the local health department from requiring the public
19 health laboratory director to be administratively responsible to
20 other local health department personnel.
21 (d) After consulting with the health officer, a local health
22 department may contract with any official city or county public
23 health laboratory or with the laboratories of the State Department
24 of Public Health to provide the services required by this chapter.
25 (e) The laboratories of the State Department of Public Health
26 are hereby designated as the public health laboratory for all local
27 health department jurisdictions that do not otherwise have access
28 to local public health laboratory service.

SEC. 2. Section 101160 of the Health and Safety Code is amended to read:

101160. (a) Any city or county public health laboratory established for the purposes set forth in this chapter and its personnel shall be certified by the State Department of Public Health to be in compliance with state and federal statutory or regulatory requirements pertaining to municipal and county public health laboratories and public health laboratory personnel pursuant to applicable provisions of Title 17 of the California Code of Regulations, including, but not limited to, Sections 1076, 1078, and 1079, and in compliance with the requirements of CLIA.

(b) For purposes of this article, the following terms have the following meanings:

(1) “CLIA” means the federal Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. Sec. 263a; Public Law 100-578) and the regulations adopted thereunder by the federal Health Care Financing Administration and effective on January 1, 1994, or any later date, when adopted in California pursuant to subdivision (b) of Section 1208 of the Business and Professions Code.

(2) “Public health laboratory director” means a person who meets the CLIA requirements for laboratory director and who is qualified by the State Department of Public Health to direct a public health laboratory certified under this article and pursuant to applicable provisions of Title 17 of the California Code of Regulations, including, but not limited to, Section 1302.

(3) “Public health microbiologist” means a person who meets the CLIA requirements for testing personnel and who is authorized to perform laboratory tests or analyses pursuant to a certificate issued under this article and applicable provisions of Title 17 of the California Code of Regulations, including, but not limited to, Section 1079.

(4) “Public health microbiologist-trainee” means a person meeting the academic qualifications and approved by the State Department of Public Health to train in an approved public health laboratory leading to examination and certification as a public health microbiologist under this article and pursuant to applicable provisions of Title 17 of the California Code of Regulations, including, but not limited to, Section 1080.

SEC. 3. Section 101161 is added to the Health and Safety Code, to read:

101161. The examination developed pursuant to Section 1079(c) of Title 17 of the California Code of Regulations shall be developed in consultation with the California Association of Public Health Laboratory Directors.

SEC. 4. Section 101162 is added to the Health and Safety Code, to read:

101162. The State Department of Public Health, by January 1, ~~2013~~ 2014, shall adopt regulations, in consultation with the California Association of Public Health Laboratory Directors, to do all of the following:

(a) Establish minimum requirements for training laboratories that train public health microbiologist-trainees.

(b) Approve of and monitor a program of continuing education for public health microbiologists certified pursuant to this article.

(c) (1) Require a maximum of 12 hours of continuing education completed within a 12-month period, or 24 hours of continuing education completed within a 24-month period, as a condition for renewal of a certificate issued under this article.

(2) *The department may charge public health microbiologists a fee, not exceeding the reasonable amount necessary to cover the costs of providing, approving, and monitoring the continuing education program, as applicable. No fee shall be imposed on a public health laboratory, or county or city health department, for approving or renewing any certificate or maintaining the continuing education program pursuant to this article.*

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.